Explanatory Notes

Section 1. The provision amended adopts the Schedule setting out the matters in the jurisdiction of the Court. In 1978 general jurisdiction in actions for alimony was deleted because the action was abolished. The amendment recognizes that all the entries in the Schedule are statutory.

Section 2. The provision repealed reads as follows:

> *(2) Subsection (1) is repealed on a day to be named by proclamation of the Lieutenant Governor.*

Subsection (1) referred to confirms the Court's jurisdiction to rehear applications even though the order was made by the county or Supreme Court before the establishment of the Unified Family Court. The repeal was provided for on the assumption that these cases would phase out by the passage of time. It now appears that there will likely always be some application for subsection 6 (1).

Section 3.—Subsection 1. The amendment makes the provision of the *Judicature Act* that provides for post-judgment interest applicable to orders of the Court.

Subsection 2. The new subsection gives Unified Family Court garnishments the same status as provincial courts (family division) garnishments have under the *Family Law Reform Act*.

Section 4. The amendment provides for jurisdiction of the Court in respect of custody matters under the *Children's Law Reform Act* to be exercised where the child resides in the judicial district.

Section 5. The provision amended provides power to punish for contempt of orders of the Unified Family Court. The words added ensure that the provision includes orders of a court in Hamilton-Wentworth issued before the Unified Family Court was created.

Section 6. The Act was first enacted as a trial project and its repeal after three years was provided for. This time has been periodically extended. The amendment removes the provision for automatic repeal.

BILL 135 1982

An Act to amend the Unified Family Court Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (3) of the *Unified Family Court Act*, being chapter 515 of the Revised Statutes of Ontario, 1980, is amended by inserting after "thereof" in the second line "under the statutory provisions". s. 3 (3), amended

2. Subsection 6 (2) of the said Act is repealed. s. 6 (2), repealed

3.—(1) Subsection 8 (2) of the said Act is amended by inserting after "36" in the first line "37". s. 8 (2), amended

(2) Section 8 of the said Act is amended by adding thereto the following subsection: s. 8, amended

(3) Section 145 of the *Small Claims Courts Act* and subsection 4 (3) of the *Creditors' Relief Act* apply to a garnishment issued by the Court. Application of R.S.O. 1980, c. 476, s. 145 and R.S.O. 1980, c. 103

4.—(1) Subsection 9 (1) of the said Act is amended by inserting at the commencement thereof "Subject to subsection (1*a*)". s. 9 (1), amended

(2) Section 9 of the said Act is amended by adding thereto the following subsection: s. 9, amended

(1*a*) An application under Part III of the *Children's Law Reform Act* in respect of a child who ordinarily resides in the judicial district may be commenced in the Court. Application under Part III, R.S.O. 1980, c. 68

5. Subsection 12 (1) of the said Act is amended by inserting after "orders" in the third line "or to an order of the Supreme Court or the County Court of the Judicial District of Hamilton-Wentworth made before the 1st day of July, 1977 in a matter that is in the jurisdiction of the Court". s. 12 (1), amended

6. Section 24 of the said Act is repealed. s. 24, repealed